

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00081

**Courtney Leigh McDonald,**  
*Plaintiff,*  
v.  
**Commissioner of Social Security,**  
*Defendant.*

**ORDER**


Plaintiff filed this civil action pursuant to the Social Security Act, § 205(g), for judicial review of the Commissioner’s denial of her application for Social Security benefits. Final judgment remanding this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) was entered on November 23, 2021. Thereafter, on December 17, 2021, plaintiff filed an application for attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Doc. 22. The motion was referred to United States Magistrate Judge John D. Love, who issued a report recommending that the motion be denied as premature without prejudice to re-filing. Doc. 24. No objections to the report and recommendation have been filed and the time for doing so has passed.

The court therefore reviews the magistrate judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a magistrate judge’s report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the magistrate judge’s report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 24) is accepted. Fed. R. Civ. P. 72(b)(3). Plaintiff’s application for EAJA fees (Doc. 22) is denied without prejudice to re-filing at

the appropriate timeframe commencing when the judgment of this court is no longer appealable.

*So ordered by the court on January 19, 2022.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge